

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

KOMATSU FINANCIAL LIMITED PARTNERSHIP,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-cv-01336

KIRBY LAND COMPANY, INC.,

Defendant.

**ORDER**

On September 16, 2019, the Court granted summary judgment in favor of Plaintiff and determined that Plaintiff is entitled attorney's fees incurred up to the date of May 10, 2019 [Doc. 40]. After obtaining an extension, Plaintiff submitted a statement of fees in the amount of \$81,474.84 on October 15, 2019 [Doc. 45]. Defendant has not yet filed a response.

The Court will allow Defendant to respond to Plaintiff's Statement of Attorneys' Fees and Costs [Doc. 45] within fourteen (14) days of the entry of this order. If Defendant does not respond, the matter will be considered unopposed.

For reasons appearing to the Court, it is **ORDERED** that the Amended Scheduling Order [**Doc. 48**] be vacated.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: November 26, 2019



*Frank W. Volk*  
Frank W. Volk  
United States District Judge